

# EXHIBIT 8

Subject: MDEQ v Boyce Hydro Case No. 16-8538-CE Scheduled drawdown of Wixom Lake and Part 301 permits  
From: "Leone, John (AG)"  
Date: 9/14/18 9:59 am  
To: "Kelly, Douglas R. (DKelly@clerkhill.com)", "Bolton, Jordan S.", "lkogan@lkoganlawgroup.com"  
Cc: "Rudolph, Brian (DEQ)"

Counsel,

Attached is copy of the Boyce Hydro response to MDNR's comments; both submitted to FERC regarding the scheduled drawdown of Wixom Lake. Your client's response confirms that Boyce Hydro will not be complying with the requirements set out in MDNR's comments letter. Accordingly, Boyce Hydro is not exempted under MCL 324.30103 from obtaining all requisite Part 301 permits for the drawdown. MCL 324.30103 provides:

Sec. 30103.

(1) A permit is not required under this part for any of the following: . . .

(n) Temporary drawdowns of impoundments at hydroelectric projects licensed by the federal energy regulatory commission (FERC) and subject to FERC's authority if both of the following apply:

(i) The FERC licensee has consulted this state during the drawdown plan development and this state's concerns have been addressed in the drawdown plan as FERC considers appropriate.

(ii) Adverse environmental impacts, including stream flow, aquatic resources, and timing, have been avoided and minimized to the extent practical.

This email serves as notice to Boyce Hydro that conducting the drawdown without obtaining the requisite Part 301 permits from MDEQ will constitute additional statutory violations separate and apart from the other matters currently pending in Gladwin County Circuit Court.

John

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